

REMARKS

Applicant concurrently files herewith a Petition and Fee for a One-Month Extension of Time and an Excess Claim Fee Payment Letter. New claims 32-38 have been added.

Claims 13-38 are all the claims presently pending in the application.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 13-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,679,406.

These rejections are respectfully traversed in the following discussion.

Applicant submits that the obviousness-type double patenting rejection is improper. More specifically, the Patent Office guidelines for obviousness-type double patenting rejections call for the Examiner to determine the scope and content of a patent claim and the prior art relative to a claim in the application at issue (page 800-22 of the Manual of Patent Examining Procedure). The Examiner has not done this.

Instead, he has compared groups of claims, claims 13-31 of the application and claims 1-12 of U.S. Patent No. 6,679,406. Furthermore, the guidelines call for the rejection to make clear the differences between the inventions defined by the conflicting claims – a claim in the patent compared to a claim in the application. The rejection has not done this.

Moreover, the guidelines call for the rejection to make clear the reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

Although the Examiner failed to compare individual claims in the application with individual claims in the patent, Applicant has exemplarily compared patent claim 13 and patent claim 1. Claim 13 calls for a number of features not contained in claim 1 of the patent, including a holding portion having a hole part, a hook having a catching portion and a base end portion, and the base portion being turnably attached into the hole part.

Thus, neither patent claim 1 nor any of the other patent claims teach or suggest the subject matter of application claim 13 or any of the other application claims.

Claim 13 has been amended to call for the base end portion to include a first cylindrical and a first uneven portion on the first cylindrical portion. This was done to make clear that claim 13 covers not only embodiments of the invention in which the first uneven portion is integral with the first cylindrical portion, but also embodiments of the invention in which the first uneven portion is a distinct structure that is positioned on the first cylindrical portion.

A new claim 32, dependent on claim 13, calls for the first uneven portion to be arranged on the first cylindrical portion so as to move with the first cylindrical portion.

Claim 13, the other independent claims and a few dependent claims have been amended to delete the requirement of a portion, such as a base end portion, to be provided consecutively from another portion and/or to be provided from an end part of another portion.

New claims 33-38 depend respectively on claim 13, the other independent claims and the few dependent claims and require the limitations concerning “consecutively” and “end part” that were deleted from the claims on which they depend.

Even though Applicant disagrees with the Examiner’s rejection and submits that the claims of the commonly-assigned U.S. ‘406 do not teach or suggest the claimed invention, to speed prosecution, submitted herewith is a Terminal Disclaimer under §1.321 to expedite prosecution of the present Application, thereby rendering moot the rejection.

FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 13-38, all the claims presently pending in the application, are patentably distinct over claims 1-12 of U.S. Patent No. 6,679,406, and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 10/15/04

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254



Sean M. McGinn
Registration No. 34,386